

Massage Regulations

Effective, April 1, 2005

RULES AND REGULATIONS FOR THE PRACTICE OF MASSAGE THERAPY; BODYWORK; MOVEMENT EDUCATION

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The Quincy Health Department, acting under the authority of M.G.L. Chapter 111, Section 31 and M.G.L. Chapter 140, Sections 51 – 52 hereby adopts the following:

1.0 PURPOSE

1.1 The Quincy Health Department finds it necessary to license the practice of massage therapy; bodywork; movement education in order to protect the public's health and safety. It is the Department's intent that only individuals who meet and maintain minimum standards of competence and conduct may provide services to the public.

2.0. DEFINITIONS

Unless otherwise noted below, the following terms shall have the following definitions:

2.1 CORI shall mean Criminal Offender Record Information as obtained by the Quincy Health Department from the Massachusetts Criminal History Systems Board.

2.2 Department means the Quincy Health Department or the Commissioner of Public Health established in accordance with M.G.L. Chapter 111 Section 26D and in accordance with Title 2, Chapter 2.40 of the Quincy Municipal Code.

2.3 Direct Supervision shall mean a practicum conducted in the context of a 500-hour course of study with an instructor present to observe.

2.4 Establishment shall mean the licensed room or group of rooms, office, building, place of business, training facility or school, or location where massage therapy; bodywork; movement education is practiced or taught.

2.5 Fieldwork shall mean a practicum conducted by an intern practitioner on his/her own without an instructor present to observe. Fieldwork hours may be required as part of a massage therapy; bodywork; movement education curriculum, and shall be over and above the 500 hour course of study. Fieldwork requirements may be met during or after the 500-hour course of study and shall be directly supervised by a licensed professional practitioner.

2.6 Five-Hundred (500) Hour Course of Study shall mean study of massage therapy; bodywork; movement education taking place in one or any combination of the following: a class setting, a one-on-one student/instructor setting or a direct supervision setting with a supervisor present for observation of work. A 500 hour course of study shall include but not be limited to the subjects of technique, anatomy and physiology, hands-on training, communication skills, business practices and ethics.

2.7 Health Commissioner means the Public Health Commissioner of the City of Quincy established in accordance with M.G.L. Chapter 111 Section 26D and in accordance with Title 2, Chapter 2.40 of the Quincy Municipal Code.

2.8 Intern shall mean any person having accumulated fewer than 500 hours in his/her course of study, who is engaged in the practice of massage therapy; bodywork; movement education outside of a training facility or school for the purpose of meeting curriculum requirements. An intern practitioner shall maintain direct contact with the licensed professional practitioner responsible for overseeing his/her fieldwork.

2.9 Massage Therapy; Bodywork; Movement Education shall mean the act or technique of moving or manipulating superficial or deep tissues, muscles, joints, or bones by rubbing, kneading, guiding or the like by manual or mechanical means, or as directed by the practitioner, for the purpose of invigoration, relaxation, education, or an increase in physical and/or emotional health and well-being. The term massage therapy; bodywork; movement education shall include but not be limited to: Body-Mind Centering; The FELDENKRAIS®* Method; Massage Therapy; Neuromuscular Therapy; Oriental Bodywork Therapies including: Acupressure, Amma Anma, Chi new sang, Jin shin do®, Okazaki Restorative Massage, Nuat thai, Shiatsu and Tuina; Polarity Therapy; ROLFING®, and the TRAGER®* Approach.

2.10 National Certification for Therapeutic Massage and Bodywork shall mean the professional credential issued by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) after successfully meeting the eligibility requirements for and passing the national standardized exam.

2.10A National Certification for Asian Bodywork Therapy shall mean the professional credential issued by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) after successfully meeting the eligibility requirements for and passing the national standardized exam.

2.11 Off-Premise Location shall mean the practice of massage therapy; bodywork; movement education at location(s) other than an establishment.

2.12 Principal Managing Officer: In the event that an applicant for a massage establishment license is a corporation, the officers and/or directors of the corporation must name at least one of said officers or directors to be named "Principal Managing Officer". In the event that an applicant for a massage establishment license is a partnership, the partners shall name at least one said partner to be named "Principal Managing Officer". The Principal Managing Officer will assume responsibility as the applicant to complete all license requirements as required under section 6.1(f-r) of these regulations.

2.13 Professional Practitioner shall mean any person who has completed a minimum 500 hour course of study in massage therapy; bodywork; movement education which meets the standards of a national professional association or institute as evidenced by a credentialed membership in a national professional organization, association or institute; and/or who has passed the National Certification Exam for Therapeutic Massage and Bodywork or the Asian Bodywork Therapy Exam; and who for compensation, hire or reward engages in the practice of massage therapy; bodywork; movement education.

2.14 National Professional Organization or Institute shall mean an organization providing standards for practice; code of ethics and grievance procedure, and providing or approving a 500 hour course of study. National professional associations or institutes meeting the above criteria include but shall not be limited to: American Massage Therapy Association (AMTA), American Organization for Bodywork Therapies of Asia (AOBTA), Associated Bodywork and Massage Professionals (ABMP), American Polarity Therapy Association, Body-Mind Centering Association, Inc., The Feldenkrais Guild®, The Rolf Institute®, The Trager® Institute. (See attached Appendix A, which shall be amended and updated as necessary).

2.15 Training Facility or School shall mean any premises, facility, structure or building used to train individuals to become professional practitioners of massage therapy; bodywork; movement education.

3.0. LICENSES, RENEWALS, AND FEES

3.1 No person shall practice as a professional practitioner of massage therapy; bodywork; movement education for hire or reward or advertise or hold him/herself as being so engaged in the City of Quincy unless first having been issued a license required pursuant to these regulations. The fee for the initial license and for annual renewal license shall be determined by the current Health Department Fee Schedule.

3.2 No person shall practice as an intern of massage therapy; bodywork; movement education for gaining practical experience and/or for hire or reward or advertise or hold him/herself as being engaged in the business of massage therapy; bodywork; movement education in the City of Quincy unless first having been issued a license pursuant to these regulations. The fee for the license shall be determined by the current Health Department Fee Schedule.

3.3 No person shall own or operate an establishment for the practice of massage therapy; bodywork; movement education unless first having been issued a license required pursuant to these regulations. The fee for initial establishment license and annual renewal license shall be determined by the current Health Department Fee Schedule.

3.4 A license issued to the operator of an establishment; or a license issued to a professional or intern practitioner of massage therapy; bodywork; movement education is not transferable to another location or person.

3.5 All licenses (except for intern practitioner, see section 7.2) expire on May 31 following the date of issue and must be renewed in accordance with these regulations.

4.0. EXCEPTIONS AND EXCLUSIONS:

4.1 Practitioner: These regulations shall not apply to the following individuals while engaged in the regular performance of the duties of their respective professions:

- (a) Physicians, chiropractors, osteopaths, occupational therapists or physical therapists who are duly licensed to practice their respective professions in the Commonwealth of Massachusetts.
- (b) Athletic trainers duly licensed under the laws of the Commonwealth of Massachusetts.
- (c) Nurses who are registered or licensed under the laws of the Commonwealth of Massachusetts.
- (d) Barbers and beauticians who are duly registered under the laws of the Commonwealth of Massachusetts, except that this exemption shall apply solely to the massage of the neck, face, scalp, and hair of the customer or client for cosmetic or beautifying purposes.
- (e) An acupuncturist duly licensed under the laws of the Commonwealth of Massachusetts.
- (f) Teachers of the Alexander Technique.

4.2 Establishment: These regulations shall not apply to the following: hospitals, nursing homes, convalescent homes, home health agencies or other institutions similarly licensed by the Commonwealth of Massachusetts. However, massage therapy; bodywork; movement education practitioners working in such institutions within the City of Quincy are required to obtain a license as provided herein unless excluded under Section 4.1.

5.0. APPLICATION AND RENEWAL PROCEDURE FOR LICENSE OF PROFESSIONAL PRACTITIONER OF MASSAGE THERAPY; BODYWORK; MOVEMENT EDUCATION

No person shall be licensed to practice as a professional practitioner of massage therapy; bodywork; movement education in the City of Quincy unless he/she meets the following requirements:

5.1 Submit to the Quincy Health Department a completed application form as supplied by Quincy Health Department. Each application shall include the following information:

- (a) A definition of services to be provided.
- (b) Name and residential address and all names, nicknames and aliases by which the applicant has been known.
- (c) The business, occupation or employment of the applicant for the three years immediately preceding the date of application.
- (d) The massage therapy or similar business license history of the applicant, whether such person has previously

operated in this or another town or state, has had a business license revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation.

(e) Satisfactory evidence that the applicant is eighteen (18) years of age or older, by presenting two forms of positive identification with photo or a valid passport.

(f) CORI requestor information.

(g) Documentation of competency, to consist of: Evidence of having a current National Certificate for Therapeutic Massage and Bodywork or Certificate of Asian Bodywork Therapy (ABT) and/or proof of current credentialed membership in a national massage or bodywork therapy organization, association or institute. Such organization shall have requirements for membership that include standards for practice, code of ethics and grievance procedure; and providing or approving a 500-hour course of study (See Appendix A)

(h) Two front-face photographs taken within 30 days of the date of application and at least two inches by two inches in size.

(i) Personal and professional references: Two professional and two personal references shall accompany all license applications. The applicant shall utilize a character reference form, to be supplied by the Department. At least one of the professional references and at least one of the personal references must be from Massachusetts residents. The references must be persons other than relatives or business associates.

(j) Completion of the Quincy Health Department's Risk Assessment Form for Tuberculosis . If deemed to be at risk, applicant must submit proof of a negative skin test and/or negative chest x-ray result for tuberculosis. The tuberculosis skin test date and/or date of the chest x-ray shall not be more than 1 year prior to the date of application for license.

(k) Applicants shall provide proof of liability insurance in an amount not less than \$1,000,000.

(l) For renewal, applicant must state if any home-bound or bed-ridden clients were attended to within the past year.

(m) Applicant must list the name(s) of the licensed establishment(s) where he or she will practice massage therapy; bodywork; movement education.

(n) Written declaration by the applicant, under penalty of perjury, that the foregoing information contained in the application is true and correct, said declaration being duly dated, signed and notarized in the City.

5.2 Department review: upon completion of the above and the furnishing of all foregoing information, the Health Department shall accept the application for the necessary investigations. The holder of a massage therapist's license shall notify the Health Department of each change in any data required to be furnished by this section within 10 days after such change occurs.

5.3. Issuance of license. The Health Department shall issue a license for a massage therapist after all requirements, terms and conditions, including the following, have been met and complied with:

(a) The correct license fee has been tendered to the Health Department.

(b) The applicant has no criminal history of an offense involving sexual misconduct.

(c) The applicant has no criminal history of an offense involving narcotics, dangerous drugs or dangerous weapons.

(d) The Department may issue a license to any person with a criminal history of any of the above-mentioned crimes, upon review of the following factors:

(i.) Time since the offense (for convictions, must be at least 5 years);

(ii.) Age of the applicant at the time of the offense;

(iii.) Seriousness and specific circumstances of the offense;

(iv.) Relationship of the criminal act to the nature of the license being sought;

(v.) Number of offenses;

(vi.) Any relevant evidence of rehabilitation or lack thereof, and;

(vii.) No subsequent criminal offense of any nature.

(e) The applicant has not knowingly made any false, misleading or fraudulent statement of fact in the license application or in any document required by the Department in conjunction therewith.

(f) The applicant has not had a massage therapy license or other similar license denied, revoked or suspended by the town or any other state, city or town within five years prior to the date of the application.

(g) The work establishment(s) listed by the applicant is/are licensed by the Quincy Health Department or meets the

requirements for initial licensure as set forth in section 6.0 of these regulations.

5.4 Approval or denial of application. The application, once submitted shall be scrutinized and investigated as to the validity of its content and its references. The Quincy Health Department shall act to approve or deny an application for a license within a reasonable time, and in no event shall the Department act to approve or deny said license later than 45 business days from the date the application was received by the Department. Every license issued pursuant to this section will terminate at the date of May 31 following the date of its issuance unless sooner suspended or revoked.

5.5 Renewal: Licensed massage therapists must file an application on a form available from the Quincy Health Department for renewal not less than 45 days prior to the expiration of his/her license, whereupon his/her existing license shall not expire until the Health Department has determined the application's renewal status. At time of filing renewal application, the applicant shall submit satisfactory evidence of his/her current professional status.

6.0 APPLICATION AND RENEWAL REQUIREMENTS FOR LICENSURE OF AN ESTABLISHMENT

No facility shall be licensed for the practice of massage therapy; bodywork; movement education in the City of Quincy unless the applicant or where appropriate the Principal Managing Officer, meets the following requirements:

6.1 The applicant submits to the Quincy Health Department a completed application form as supplied by Quincy Health Department. Each application shall include the following information:

- (a) A definition of the service to be provided.
- (b) The location, mailing address and all telephone numbers where the business is to be conducted.
- (c) The name and residential address and telephone number of each applicant.
 - (i) If the applicant is a corporation, the names, telephone numbers and residential addresses of each of the officers and directors of said corporation and the address of the massage therapy establishment, and the name of the "Principal Managing Officer".
 - (ii) If applicant is a partnership, the names, telephone numbers and residential addresses of each of the partners, including limited partners, and the address of the partnership itself, if different from the address of the massage therapy establishment, and the name of the "Principal Managing Officer".
- (d) Name and address of any massage therapy business or establishment owned or operated by any person whose name is required to be given in Section 6.1 (c) (i) or (ii) wherein the business or profession of massage therapy is carried on.
- (e) Two front-face photographs of the applicant at least two inches by two inches; if the applicant is a corporation, two front-face photographs at least two inches by two inches of all officers and managing agents of said corporation; if the applicant is a partnership, two front-face photographs at least two inches by two inches in size of each partner, including a limited partner in said partnership.
- (f) The business, occupation or employment of the applicant for the three years immediately preceding the date of application.
- (g) The massage therapy or similar business license history of the applicant, whether such person has previously operated in this or another town or state, has had a business license revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation.
- (h) Satisfactory evidence that the applicant is eighteen (18) years of age or older, by presenting two forms of positive identification with photo or a valid passport.
- (i) CORI requestor information about the applicant.
- (j) Personal and professional references: Two professional and two personal references shall accompany all license applications. The applicant shall utilize a character reference form, to be supplied by the Department. At least one of the professional references and at least one of the personal references must be from a Massachusetts resident. The references must be persons other than relatives or business associates.
- (k) A description of any other business to be operated on the same premises or on adjoining premises owned, controlled or leased by the applicant.
- (l) The potential number of employees to be utilized at the establishment.
- (m) The name and address of each massage therapist who is or will be employed in said establishment. It is the responsibility of the establishment owner to notify the Quincy Health Department within 10 business days whenever a massage therapist is no longer in the employ of said establishment.

- (n) The proposed hours of operation for the establishment.
- (o) A scaled drawing of the physical layout of the establishment and room(s) where the Massage Therapist(s) will practice. Said scale shall be no smaller than $\frac{1}{4}" = 1'$.
- (p) Proof that the establishment has registered as a business in Quincy with the City Clerk's Office.
- (q) Proof that the proposed location complies with all City of Quincy Zoning Regulations.
- (r) Written declaration by the applicant, under penalty of perjury, that the foregoing information contained in the application is true and correct, said declaration being duly dated, signed and notarized in the City.

6.2 Department review: Upon completion of the above and the furnishing of all foregoing information, the Health Department shall accept the application for the necessary investigations. The holder of a massage establishment license shall notify the Health Department of each change in any data required to be furnished by this section within 10 days after such change occurs.

6.3. Issuance of license. The Health Department shall issue a license for a massage establishment after all requirements, terms and conditions, including the following, have been met and complied with:

- (a) The correct license fee has been tendered to the Health Department.
- (b) The applicant has no criminal history of an offense involving sexual misconduct.
- (c) The applicant has no criminal history of an offense involving narcotics, dangerous drugs or dangerous weapons that amount to a felony.
- (d) The Department may issue a license to any person with a criminal history of any of the above-mentioned crimes, upon review of the following factors:
 - (i.) Time since the offense (for convictions, at least 5 years);
 - (ii.) Age of the applicant at the time of the offense;
 - (iii.) Seriousness and specific circumstances of the offense;
 - (iv.) Relationship of the criminal act to the nature of the license being sought;
 - (v.) Number of offenses;
 - (vi.) Any relevant evidence of rehabilitation or lack thereof, and;
 - (vii.) No subsequent criminal offenses of any nature.
- (e) The applicant has not knowingly made any false, misleading or fraudulent statement of fact in the license application or in any document required by the Department in conjunction therewith.
- (f) The applicant has not had a massage therapy establishment license or other similar license denied, revoked or suspended by the town or any other state, city or town within five years prior to the date of the application.
- (g) Employ or cause to be employed as a massage therapy; bodywork; movement education practitioner(s) only person(s) who has (have) a license(s) for the practice of massage therapy; bodywork; movement education from the Quincy Health Department.
- (h) Operate only under the name or designation specified on the license or a change thereto as pursuant to section 6.2 of these regulations.
- (i) Perform or allow to be performed no illegal act within the establishment. A violation of this section may be grounds for revocation, suspension or modification of the massage therapy; bodywork; movement education establishment license.
- (j) Serve no alcoholic beverages in the portion of a building that the Health Department determines is being used for the purpose of giving massage therapy; bodywork; movement education.
- (k) Operate no x-ray, fluoroscope, diathermy or other similar equipment unless licensed by the Commonwealth of Massachusetts to practice a profession requiring the use of such equipment.
- (l) Provide that all rooms used for massage therapy; bodywork; movement education be clean and easily cleanable, well lighted, adequately ventilated and properly heated in accordance with local and/or state regulations.
- (m) Maintain all areas of the establishment, including the furniture and equipment therein, in sanitary condition at all times. All massage therapy; bodywork; movement education tables, mattresses, etc. shall be easily cleanable. All surfaces used for massage therapy; bodywork; movement education shall be properly cleaned and sanitized after each massage therapy; bodywork; movement education session.

(n) Clean and sanitize after each use all robes, sheets, towels, etc. supplied by the establishment which may come in direct contact with the body. Single service or disposable items are acceptable, and shall be used only once.

(o) Display in a conspicuous place the current license of the establishment and current licenses of all massage therapy; bodywork; movement education practitioners and/or intern practitioners conducting massage therapy; bodywork; movement education therein.

(p) The establishment has undergone a successful inspection by a duly authorized representative of the Health Department.

(q) Every room to be used by a massage therapist must:

(i) Contain a hand washing sink, liquid soap and paper towels. Said hand-washing sinks shall be cleaned and sanitized daily; and shall be maintained at all times in a clean and sanitary condition.

(ii) Be large enough to fit an exam table with at least three feet of clearance on all sides.

(iii) Have adequate lighting, heat and ventilation.

(r) Every establishment must have sanitary toilet facilities available for patrons, in accordance with the requirements of the State Plumbing Code. Said toilet facilities shall be cleaned and sanitized daily and shall be maintained at all times in a clean and sanitary condition.

6.4 Approval or denial of application. The application, once submitted shall be scrutinized and investigated as to the validity of its content and its references. The Quincy Health Department shall act to approve or deny an application for a license within a reasonable time, and in no event shall the Department act to approve or deny said license later than 45 business days from the date the application was received by the Department. Every license issued pursuant to this section will terminate at the date of May 31 following the date of its issuance unless sooner suspended or revoked.

6.5 Renewal: Operators/owners of Licensed Massage Establishments must file an application for renewal not less than 45 days prior to the expiration of his/her license, whereupon his/her existing license shall not expire until the Health Department has determined the application's renewal status.

7.0. APPLICATION PROCEDURE FOR LICENSE OF INTERN OF MASSAGE THERAPY; BODYWORK; MOVEMENT EDUCATION

7.1 Interns shall be licensed by the Quincy Health Department as such by completing an application supplied by the Department, submitting a letter from the School of Massage stating that the intern is capable of beginning hands on work, and submitting a fee as determined by the current Health Department Fee Schedule. Each application shall include the following information:

(a) A definition of services to be provided.

(b) Name and residential address and all names, nicknames and aliases by which the applicant has been known.

(c) Satisfactory evidence that the applicant is eighteen (18) years of age or older, by presenting two forms of positive identification with photo or a valid passport.

(d) CORI requestor information including a certified copy of Birth Certificate and Social Security Number.

(e) Completion of the Quincy Health Department's Risk Assessment Form for Tuberculosis . If deemed to be at risk, applicant must submit proof of a negative skin test result and/or negative chest x-ray for tuberculosis. The tuberculosis skin test date and/or date of the chest x-ray shall not be more than 1 year prior to the date of application for license.

(f) The name of the Massage Therapist supervisor and name of the licensed establishment listed by the applicant as the location of his/her internship.

(g) Written declaration by the applicant, under penalty of perjury, that the foregoing information contained in the application is true and correct, said declaration being duly dated, signed and notarized in the City.

7.2 Issuance of license. An intern may be licensed for a period not to exceed three months from the date of approval of said registration. No renewal of that registration will occur until approved by the Department, and then only for extenuating circumstances. The Health Department shall issue a license for an intern of massage therapy after all requirements, terms and conditions, including the following, have been met and complied with:

(a) The correct license fee has been tendered to the Health Department.

(b) The applicant has no criminal history of an offense involving sexual misconduct.

- (c) The applicant has no criminal history of an offense involving narcotics, dangerous drugs or dangerous weapons.
- (d) The Department may issue a license to any person with a criminal history of any of the above-mentioned crimes, upon review of the following factors:
 - (i) Time since the offense (for convictions, must be at least 5 years);
 - (ii) Age of the applicant at the time of the offense;
 - (iii) Seriousness and specific circumstances of the offense;
 - (iv) Relationship of the criminal act to the nature of the license being sought;
 - (v) Number of offenses;
 - (vi) Any relevant evidence of rehabilitation or lack thereof, and;
 - (vii) No subsequent criminal offenses of any nature.
- (e) The applicant has not knowingly made any false, misleading or fraudulent statement of fact in the license application or in any document required by the Department in conjunction therewith.
- (f) The Massage Therapist supervisor and massage establishment listed by the applicant as the intern location are duly licensed by the Quincy Health Department.

7.3 An intern may practice only under the direct supervision of a licensed Massage Therapist. Said Massage Therapist shall be present at all times said intern is practicing, and shall be responsible for ensuring that proper treatments are given.

7.4 An intern may practice on a client only with the informed consent of the client that the intern has not completed his/her course of study.

8.0. SPECIAL REQUIREMENTS FOR TRAINING FACILITIES OR SCHOOLS OF MASSAGE

8.1. All instructors of hands-on Massage Therapy shall be licensed as Massage Therapists. Those who teach non-hands on classes only, such as biology, anatomy and physiology, and business classes, may be exempted from this requirement.

8.2. A Licensed Massage Therapist shall be in constant and direct control of the school at all times hand on lessons are being taught.

8.3. All interns practicing hands on work shall meet the requirements of Section 7.

8.4. All training facilities or schools of massage must meet the requirements and obtain an establishment license as described in section 6.0 of these regulations.

9.0. MASSAGE THERAPY PRACTITIONERS/ESTABLISHMENTS: OPERATING REQUIREMENTS

9.1 Every operator of an establishment for the giving of massage therapy; bodywork; movement education shall require all practitioners conducting massage therapy; bodywork; movement education on the premises to meet the following requirements:

- (a) Be licensed by the City of Quincy Health Department
- (b) Not touch or work with a client, when either the client or practitioner is afflicted with any rash, lesion or visible sign of infection that could be spread through massage therapy or through close contact ordinarily associated with massage therapy.
- (c) Wash hands thoroughly with proper soap or disinfectant and hot water immediately before and after performing a massage therapy/bodywork session.
- (d) Maintain sufficient level of personal cleanliness and be clothed in clean and appropriate attire.
- (e) Not administer massage or bodywork to a minor without consent of minor's parent or guardian.
- (f) Take all precautions for proper hygiene within the facilities.
- (g) Not diagnose disease, prescribe medicine or perform any procedure which requires a license from the Commonwealth of Massachusetts. including but not limited to psychotherapy, chiropractic, acupuncture and colonic

hydrotherapy.

(h) Prominently display in the main seating area, entranceway or in each practice room the license to practice massage therapy issued by Quincy Health Department.

(i) Maintain a record of dates, names and addresses of all patrons. This record shall be made available to the Quincy Health Department or the Massachusetts Department of Public Health only in the event of a reportable, communicable disease believed to have been brought to, or transmitted through or from the massage therapy/bodywork practitioner or the establishment.

(j) Follow all rules set forth in these regulations and conduct themselves in accordance with the standards of their accrediting state or national professional association.

(k) Use universal precautions in the prevention of all communicable diseases.

10.0. TEMPORARY OFF-PREMISE LICENSE AND LIMITATIONS

10.1 A temporary off-premise license shall be required for any massage practitioner while engaged in the practice of massage therapy for hire in the City of Quincy at a non-licensed establishment on a temporary basis. Any practitioner seeking a temporary off-premise license must submit to the Department a completed application form as supplied by the Quincy Health Department. There will be no fee for a temporary off-premise license, which shall be valid for a period of no more than three (3) days.

10.2 Off-premise business will be allowed only by a professional practitioner of massage therapy; bodywork; movement education who is licensed by the Quincy Health Department and currently practices within a licensed Quincy establishment.

10.3 A professional practitioner, while conducting off-premise business, shall comply with the requirements specified by Sections 6.3(h); 6.3(i); 6.3(j); 6.3(k); 9.1(a); 9.1(b); 9.1(c); 9.1(d); 9.1(e); 9.1(f); 9.1(g); 9.1(i); 9.1 (j) and 9.1 (k) as contained herein.

10.4 The practitioner shall carry his/her City of Quincy professional practitioner license when conducting off-premise business.

10.5 A temporary off-premises license will NOT be issued for the practice of massage therapy in private residences. However, a professional practitioner of massage therapy; bodywork; movement education who is licensed by the Quincy Health Department and currently practices within a licensed Quincy establishment may provide massage therapy to homebound or bed-ridden clients upon receipt of a written order (prescription) for massage therapy for said client by a licensed health care provider (i.e. nurse practitioner, physician's assistant, physician or chiropractor). Any such orders shall be kept on file at the licensed establishment for at least one year and be available for review by a duly authorized member of the Quincy Health Department if so requested.

11.0. PROHIBITIONS

11.1 Colonic Hydrotherapy. A massage therapy; bodywork; movement education license does not qualify the practitioner to practice Colonic Hydrotherapy.

11.2 Sexual Conduct and/or Sexual Relationships. Any person licensed by the Quincy Health Department to perform massage therapy; bodywork; movement education shall refrain from participating in a sexual relationship or sexual conduct with a client, whether consensual or otherwise, whether within or outside of the massage establishment from the beginning of the client/therapist relationship until the termination of the client/therapist relationship.

11.3 Acupuncture: A massage therapy; bodywork; movement education license does not qualify the practitioner to practice Acupuncture.

12.0. CRIMINAL OFFENDER RECORD INFORMATION (CORI)

12.1 CORI: Each person applying for a license to practice massage therapy; bodywork; movement education (as a professional practitioner or intern practitioner), or to own, operate, or conduct an establishment for giving of massage therapy; bodywork; movement education for hire or reward, shall have a background free of conduct which, in the judgment of the Quincy Health Department, bears adversely upon his or her ability to safely and reputably provide massage therapy; bodywork; movement education. The Quincy Health Department shall, upon receipt of an initial application, and every four (4) years thereafter, seek Criminal Offender Record Information (CORI) about the applicant from the Massachusetts Criminal History Systems Board. The Health Department, may also request CORI if

deemed necessary to properly investigate any complaint received from the public concerning a person duly licensed by the Department as a massage therapist and/or massage establishment.

13.0. INSPECTIONS, VIOLATIONS, AND NOTICE

13.1 Inspection(s): Duly Authorized agents of the Quincy Health Department or members of the Quincy Police Department as provided in M.G.L. Chapter 140, Section 52 may enter an establishment licensed for the massage therapy; Bodywork; Movement Education during any hours of operation for the purpose of making an inspection to ascertain whether the establishment is in compliance with these regulations. Refusal to allow entry to authorized persons shall be sufficient reason to revoke the establishment license.

13.2 Violations:

13.2.1 Non-critical violations: The failure to meet any operational standard set forth in these regulations constitutes a non-critical violation of these regulations. As such, the department shall serve upon the licensee written order of notice detailing the condition, event or practice determined by the department to be in violation of these regulations and such written order of notice shall notify the licensee that he or she shall have five business days to abate or correct such condition, event or practice to the satisfaction of the department.

13.2.2 Critical Violations: The following shall be considered critical violations of these regulations and may allow the Department to seek penalties and/or license suspension or revocation as listed in Section 14:

- (a) Diagnosing or treating classified diseases.
- (b) Practicing spinal or other joint manipulations.
- (c) Employing fraud or deceit in the Practice of Massage Therapy or in obtaining any license issued under these regulations.
- (d) The use of intoxicating liquors or illegal or controlled drugs on the licensed premises.
- (e) Negligence in the practice of massage therapy or allowing unlicensed persons to practice massage therapy in an establishment.
- (f) Advertising or soliciting in a fraudulent, false, misleading or deceptive manner.
- (g) The performance of any illegal act within the establishment.
- (h) The failure to comply with the terms or conditions of any license granted.
- (i) Practicing Colonic Hydrotherapy.
- (j) Practicing Acupuncture (unless separately licensed for Acupuncture under the laws of the Commonwealth of Massachusetts, Board of Registration in Medicine, Committee on Acupuncture).
- (k) Participation in a sexual relationship or sexual conduct with a client as set forth in section 11.2.
- (l) Any other section of these regulations which is deemed by the Health Commissioner to warrant classification as a critical violation.

14.0. PENALTIES ; LICENSE REVOCATION, SUSPENSION OR MODIFICATION; APPEALS

14.1 Penalties: Unless otherwise specified within these Health Regulations the following shall apply:

- (a) Criminal complaint: Whoever, by his/her servant or agent, or as the servant or agent of any other person or any firm or corporation, violates any regulation of this code and may be penalized by indictment or on complaint brought to the Quincy District Court. Except as may be otherwise be provided by law and as the District Court may see fit to impose, the maximum penalty for any violation of these provisions shall be \$300.00, as so allowed under M.G.L. Chapter 111, Section 31 and Chapter 140, Sections 51 and 53. Each day in which a violation continues shall constitute a separate and punishable violation.
- (b) Non-criminal Disposition: In addition to the enforcement as described above, the provisions of these Regulations may also be enforced by a non-criminal complaint pursuant to the provisions of M.G.L. Chapter 40, Section 21 D; such penalty shall be a fine of no more than \$50.00 per offense, per day.

14.2 License Revocation, Suspension Or Modification:

- (a) The Quincy Health Department may suspend, revoke or modify a professional practitioner license or establishment license or intern practitioner license for any critical violation of these rules and regulations or for the performance of any illegal act on the premises, by serving an order in writing to the person(s) responsible for the violation.

(b) Should a licensee, subject to an order of notice pursuant to Section 13.2.1 fail to so abate or correct the condition, event or practice which is the subject of an order of notice, or to otherwise not comply with an order of notice, the department may suspend, terminate, revoke or modify the license held by such and/or seek fines as provided under Section 14.1.

14.3 Appeals:

(a) Appeal of a Written Order: The person(s) to whom an order has been served may request a hearing before the Quincy Public Health Commissioner within 7 days after the day the order was served. Upon receipt of such petition the Commissioner shall set a time and place for such hearing and shall inform the petitioner thereof in writing. The hearing shall commence not later than 21 days after the day on which the order was served. The 21-day period may be extended if in the opinion of the Health Commissioner the petitioner has submitted a good and sufficient reason for such postponement. At the hearing the petitioner shall be given an opportunity to be heard and to show why the order should be modified or withdrawn. After the hearing the Health Commissioner shall sustain, modify or withdraw the order and shall inform the petitioner in writing of this decision within ten (10) days.

(b) Appeal of Denied Application: Any person for whom an application has been denied may request an informal review of their application by the Quincy Public Health Commissioner. The review request must be submitted in writing, within 7 days of the initial denial. The review shall commence no later than 14 days of the Commissioners receipt of the review request. The applicant shall be given an opportunity to show why the application should not have been denied. After this review, the Health Commissioner shall issue a written finding, either upholding the denial or approving the application.

15.0. RECIPROCITY AND GRANDFATHERING

15.1 Reciprocity: Any practitioner issued a license to practice massage therapy, bodywork, movement education within the City of Quincy may qualify for a practitioner's license elsewhere in the City, provided the site is a licensed establishment. An application addendum will be required to be completed for the new site. No additional practitioner fee will be required.

15.2 Any practitioner issued a license to practice massage therapy; bodywork; movement education by any city or town in the Commonwealth of Massachusetts may qualify for a license in the City of Quincy without additional evaluation qualifications provided that the city/town of original licensing has equivalent standards, especially with respect to competency.

15.3 Practitioners holding a current, valid license to practice massage therapy, bodywork; movement education within the City of Quincy who are currently not nationally certified and/or credentialed members of a national massage therapy or bodywork organization shall have two and one-half years from the effective date of these regulations to obtain their national certification and/or to become credentialed members of a national massage therapy or bodywork organization. The failure to obtain said credentials within the two and one-half years time frame shall result in the revocation of the practitioners license to practice massage therapy, bodywork; movement education in the City of Quincy.

15.4 Establishments holding a current, valid license to practice massage therapy; bodywork; education movement shall be exempt from Section 6.3 (q)(i) which requires that each room used by a massage therapist must contain a hand washing sink, liquid soap and paper towels. If any establishment exempted under this section undergoes substantial renovation or change of location said renovated or relocated establishment must comply with Section 6.3 (q)(i).

15.6 Establishments holding a current, valid license to practice massage therapy, bodywork; movement education within the City of Quincy must initially complete the application form as required under these regulations. Thereafter, the requirements for a scaled drawing and compliance with Zoning regulations, will not be required to be submitted for each renewal of an establishment license.

16.0. VARIANCE

16.1 Variance: Unless otherwise specified within these Regulations the following shall apply: Upon receipt of written request, a variance from the specific requirements of this code of regulations may be granted by the Department after notice and a public hearing, if the Department finds that owing to unique circumstances a literal enforcement of the provisions of these regulations would involve a substantial hardship, financial or otherwise, and that the relief sought may be granted without substantial detriment to the public good and without nullifying or substantially derogating the intent and purpose of these regulations. The Department may impose conditions, safeguards or limitations, both of time and of use, as it deems appropriate upon the grant of any variance.

17.0. SEVERABILITY

17.1. The provisions of these Regulations are severable and if any provision shall be declared unlawful by a valid judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining provisions of these Regulations.

18.0. EFFECTIVE DATE

18.1 The effective date of these regulations shall be April 1, 2005.

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Appendix A:

National Organization, Association or Institute	Membership Categories which include a minimum of 500 hours schooling
American Massage Therapy Association (AMTA)	Professional Member
Associated Bodywork and Massage Professionals (ABMP)	Certified Member or Professional Member
American Organization for Bodywork Therapies of Asia (AOBTA)	Certified Practitioner or Certified Instructor
American Polarity Therapy Association	Registered Polarity Practitioner
Body-Mind Centering Association, Inc.	Certified Practitioner or Somatic Movement Educator or Allied Member or Certified Teacher or Advanced Practitioner
Feldenkrais Guild	Certified Practitioner
Rolf Institute	Certified Rolfer or Rolf Movement Practitioner or Advanced Rolfer
Trager Institute	Senior Practitioner